IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

JOHNATHAN LEE RICHES,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	**Case No. CIV-07-1066-F**
	)	
CARRIE UNDERWOOD,	)	
	)	
Defendant.	)	

ORDER GRANTING LEAVE TO PROCEED IN FORMA PAUPERIS

Plaintiff, a prisoner appearing *pro se*, has filed a motion to proceed *in forma pauperis* and supporting affidavit in conformance with 28 U.S.C. §1915(a), as amended by the Prison Litigation Reform Act of 1995, Pub. L. No. 104-134, 110 Stat. 1321 (1996). Having reviewed the motion, the Court finds Plaintiff is entitled to proceed without full prepayment of the filing fee, and his motion is granted. However, pursuant to 28 U.S.C. §1915(b)(1), Plaintiff shall be required to pay the full $350 filing fee as set forth hereafter.

IT IS HEREBY ORDERED that on or before the 16th day of October, 2007, Plaintiff pay an initial partial filing fee of $10.94, which represents 20 percent of the greater of the (1) average monthly deposits, or (2) average monthly balance in Plaintiff's prison accounts for the six-month period immediately preceding the filing of the complaint. 28 U.S.C. §1915(b). Plaintiff is advised that unless by the date specified above he has either (1) paid the initial partial filing fee, or (2) shown cause in writing for the failure to pay, this action will be subject to dismissal

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without prejudice to refiling, and no fees or costs will be imposed or collected. Moreover, Plaintiff may voluntarily dismiss this action in accordance with Fed.R.Civ.P 41(a) on or before the 16th day of October, 2007 without incurring any fees or costs.

IT IS FURTHER ORDERED that after payment of the initial partial filing fee, Plaintiff shall make monthly payments of 20 percent of the preceding month's income credited to his prison account(s) until he has paid the total filing fee of $350. 28 U.S.C. § 1915(b)(2). This Court will enter an order directing the agency having custody of Plaintiff to collect and forward such monthly payments to the Clerk of the Court until the filing fee is paid in full. 28 U.S.C. § 1915(b)(2). Interference by Plaintiff in the submission of these funds shall result in the dismissal of this action.

Plaintiff is advised that notwithstanding any filing fee, or any portion thereof, that may have been paid, the Court shall dismiss at any time all or any part of such complaint which (1) is frivolous or malicious; (2) fails to state a claim on which relief can be granted; or (3) seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. §§1915A; 1915(e). Plaintiff is further advised that such monthly payments will continue to be collected until full payment of the filing fee has been received by the Court even after disposition of the case and regardless of whether relief is granted or denied.

IT IS FURTHER ORDERED that the Clerk of the Court shall not issue process until further order of the Court.

IT IS SO ORDERED this 26th day of September, 2007.

DOYLE W. ARGO
UNITED STATES MAGISTRATE JUDGE